

ORDINANCE NO. 3095

AN ORDINANCE AMENDING TITLE 22 OF THE
SAN LUIS OBISPO COUNTY CODE, THE LAND USE ORDINANCE
SECTION 22.24.70 RELATING TO THE TDC PROGRAM

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

~~SECTION 1. Section 22.24.070A of the Land Use Ordinance, Title 22 of the San Luis Obispo~~
County Code, is hereby amended as follows:

22.24.070 - Receiving Site Eligibility and Determination of Bonus Development.

The criteria of this section shall be used in determining if a property is eligible for receiving site status. If the property meets all the criteria used to determine receiving site status, the property would then be eligible to qualify for bonus density. Bonus density may be added to the base density as set forth in Section 22.24.070.B.

- A. **Eligibility criteria.** The following criteria shall be used in the review of potential receiving sites. Credits are assigned only to individual legal lots. Land may be considered for designation as receiving sites only when **all** of the following describe the site that is requesting receiver status.
1. An Exemption (Categorical or General Rule), a Negative Declaration or a Final Environmental Impact Report, that does not identify significant, unavoidable adverse environmental effects, or exacerbation of such effects, relating to the additional density that would be allocated to the site, has been prepared or will be necessary as part of environmental determination for the proposed project.
 2. The site is not in the Agriculture land use category.
 3. The site is within an urban or village reserve line or within 5 miles of an urban reserve line.
 4. The footprint of the area proposed for development (including new access roads and driveways) is less than 30 percent slope.
 5. The footprint of the area proposed for development is outside of the Sensitive Resource Area (SRA), Flood Hazard (FH), Geologic Study Area (GSA), Earthquake Fault Zone, or Very High Fire Hazard Area as defined by the Land Use Element.
 6. The footprint of the area proposed for development is outside of a Natural Area or Significant Biological Geographical or Riparian Habitat as defined by the Natural Areas Plan, the Land Use Element, or a subsequent revision or update of any element of the general plan.

7. The development will comply with: all development standards, water, sewage disposal and access standards, and land division standards as contained in Titles 19, 21, 22 and 23 of the county code.
8. The site was not an approved sending site, and also has a valid conservation easement recorded against the sending site.

SECTION 2. Section 22.24.070B.2.d of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

- d. **Other sites.** Sites that meet the locational criteria listed in Subsections B.2.a, B.2.b, B.2.c, and the eligibility criteria of Section 22.24.070A, but which would not otherwise qualify for a division (the property size is already at or below the lowest minimum parcel size allowed by that land use category), ~~may be granted a bonus of not more than one additional lot. The parcels after division~~ shall not be less than the lowest minimum parcel size in the applicable land use category; except that 20 acre parcels in the Rural Lands land use category may request to be considered for division using this provision where surrounding parcels are generally less than 20 acres in size.

SECTION 3. That the Board of Supervisors has considered the initial study prepared and conducted with respect to the matter described above. The Board of Supervisors has, as a result of its consideration, and the evidence presented at the hearings on said matter, determined that the proposed negative declaration as heretofore prepared and filed as a result of the said initial study, is appropriate, and has been prepared and is hereby approved in accordance with the California Environmental Quality Act and the County's regulations implementing said Act. The Board of Supervisors, in adopting this ordinance, has taken into account and reviewed and considered the information contained in the negative declaration approved for this project and all comments that were received during the public hearing process. On the basis of the Initial Study and any comments received, there is no substantial evidence that the adoption of this ordinance will have a significant effect on the environment.

SECTION 4. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 5. This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

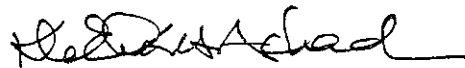
INTRODUCED on the 22nd day of August, 2006 and
PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of
California, on the 22nd day of August, 2006, by the
following roll call vote, to wit:

AYES: Supervisors Harry L. Ovitt, Jerry Lenthall, Shirley Bianchi, Chairperson K.H. "Katcho"
Achadjian

NOES: Supervisor James R. Patterson

ABSENT: None

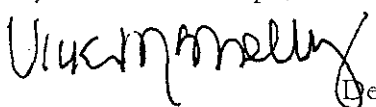
ABSTAINING: None



Chairman of the Board of Supervisors,
County of San Luis Obispo,
State of California

ATTEST:

JULIE L. RODEWALD
County Clerk and Ex-Officio Clerk of the Board of Supervisors
County of San Luis Obispo, State of California

By:  Deputy Clerk

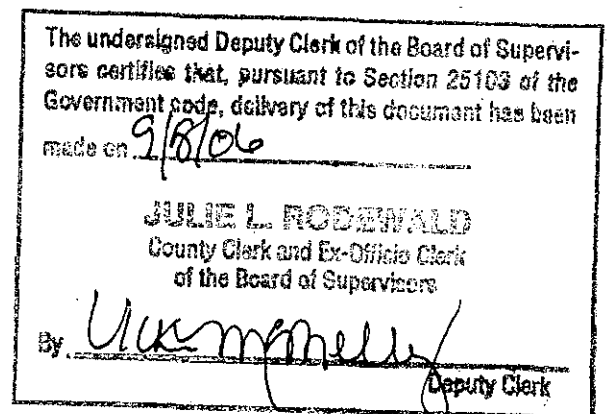
[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.
County Counsel

By: _____
Deputy County Counsel

Dated: _____



INTRODUCED on the _____ day of _____, 2006 and PASSED
AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on
the _____ day of _____, 2006, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

Chairman of the Board of Supervisors,
County of San Luis Obispo,
State of California

ATTEST:

County Clerk and Ex-Officio Clerk of the Board of Supervisors
County of San Luis Obispo, State of California

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.
County Counsel

By: _____

Deputy County Counsel

Dated: _____

August 22, 2006